

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	CRIMINAL NO. <u>15-3386 RB</u>
	)	
vs.	)	
	)	
<b>LOUIS ESCOBAR,</b>	)	
	)	
Defendant.	)	

**UNOPPOSED JOINT MOTION TO DECLARE CASE COMPLEX**

The United States, joined by defendant, Louis Escobar, through his counsel, moves this Court to declare this matter a complex case pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). As grounds for this motion the parties state:

On September 22, 2015, a grand jury returned a twenty-four-count indictment charging defendants with narcotics-related crimes. Most defendants have been apprehended and arraigned. Two defendants are considered fugitives. Until recently, the defendant was also considered a fugitive.

The investigation of this case involved an eight-month investigation, including a wiretap authorized by the Court. Pursuant to the wiretap orders, agents monitored three cellular telephones being used by the defendants between June 2015 and August 2015 for a total of two 30-day periods of interception. The wiretap resulted in the interception and recording of well over 10,000 calls and text messages.

The government disclosed more than 4000 pages of discovery, as well as numerous photographs to the defendants who were originally apprehended.

In order to provide counsel with a reasonable amount of time for effective preparation, to include reviewing all the discovery with the defendant, the parties seek to vacate the Court's

standard scheduling order and to declare this case complex pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii). Due to the nature of the prosecution, this case is so complex that it is unreasonable to expect the defendant to adequately prepare for trial within the 70-day time limit established by 18 U.S.C. § 3161(c)(1).

A failure to grant this motion and require the defendant to proceed to trial within the 70-day time limit likely would result in a miscarriage of justice by denying the defendant adequate opportunity to review the evidence in this case, conduct his own investigation, and resolve any legal issues which may directly impact the outcome of this case.

Allowing time for such review and investigation may lead to the conservation of public and judicial resources, in that it may result in a resolution of the case without the need for trial.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the joined parties believe that the ends of justice served by granting this motion outweigh the best interest of the public and the defendant in a speedy trial.

**WHEREFORE**, based on the foregoing reasons the United States and defendant, through his counsel, respectfully request that the Court enter an order: (1) designating the above-captioned case as a complex case; (2) vacating the existing discovery order and the trial and pretrial deadlines presently set in this case; (3) directing the parties to submit a proposed discovery and case management scheduling order; (4) tolling the time limits of the Speedy Trial Act, as it pertains to the defendant, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii); and (5) permitting interim billing by CJA appointed defense counsel.

Respectfully submitted,

FRED J. FEDERICI  
Acting United States Attorney

**Electronically filed 9/27/2021**  
RANDY M. CASTELLANO  
Assistant United States Attorney  
200 N. Church Street  
Las Cruces, NM 88001  
(575) 522-2304 - Tel.

I HEREBY CERTIFY that I  
electronically filed the foregoing with the  
Clerk of the Court using the CM/ECF  
system which will send electronic  
notification to defense counsel of record.

/s/

---

RANDY M. CASTELLANO  
Assistant United States Attorney